

REMARKS

Response to Restriction Requirement

Applicants provisionally elect the invention of **Group II**, Claims 14, 18-20, 25 and 26, drawn to a method of preventing or treating atherosclerosis, classified in class 514, subclass 824. Applicants reserve the right to prosecute the non-elected claims in one or more continuing applications and also respectfully reserve the right to traverse the Examiner's requirement of a restriction in a future response to the U.S. Patent and Trademark Office.

Preliminary Amendment

Upon entry of the amendments, claims 14, 18-20 and 26 are pending in the application. Claims 1, 5-7, 12, 13, and 25 have been canceled, without prejudice.

Claim 14 has been amended to more clearly define the present invention. Specifically, claim 14 has been amended to recite a functional limitation that the "administration is in a sufficient amount to induce production of TGF β , to suppress IFN- γ , and to suppress a type 1 T-cell cytokine pattern". Support for this amendment can be found throughout the specification and specifically at pg. 3, lines 12-16; pg. 13, lines 11-19. No new matter has been added by the present amendments.

Applicants believe that no fee is due with the submission of this Preliminary Amendment. However, the Commissioner is hereby authorized to charge any additional fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-0311, Attorney Reference No. 25619-501.

CONCLUSION

On the basis of the foregoing amendment and remark, Applicants respectfully submit that the pending claims are in condition for allowance. Should any questions or issues arise concerning this application, the Examiner is encouraged to contact the undersigned at the telephone number provided below.

Respectfully submitted,

for: Matthew Pavao Reg No. : 50,572
Ivor R. Elrifi, Reg. No. 39,529
Barry J. Marenberg, Reg. No. 40,715
Attorneys for Applicants
c/o MINTZ LEVIN
One Financial Center
Boston, Massachusetts 02111
Tel.: (617) 542-6000
Fax: (617) 542-2241

Dated: April 25, 2003

TRA 1787449v1